

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M. Ruben

Appl. No.: 10/662,431

Filed: September 16, 2003

For: **Apoptosis Inducing Molecule I**

Confirmation No.: 2661

Art Unit: 1644

Examiner: Huynh, Phuong N.

Atty. Docket: 1488.1890004/EJH/SAC

First Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **AA1** and **AB1** are not provided in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application." A copy of each other document is provided.

Applicant wishes to bring to the attention of the Examiner that SEQ ID NO:1 and the corresponding cDNA clone of this application are related to SEQ ID NOS:67931 and 115315 in co-pending U.S. Patent Application No. 09/912,293, filed July 26, 2001, and to SEQ ID NO:50232 in co-pending U.S. Patent Application No. 09/912,292, filed July 26, 2001. Applicant notes that none of the above recited sequences are claimed in U.S. Patent Application

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Nos. 09/912,293 or 09/912,292. Legible copies of those portions of U.S. Patent Application Nos. 09/912,292 or 09/912,293 which caused them to be listed on the attached Form PTO 1449 are submitted herewith as references **AT2** and **AR3**, respectively.

The Examiner's attention is also directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

U.S. Patent Application No. 08/816,981, Ruben, S.M., filed March 13, 1997 and submitted herewith as document **AS3**.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to this application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

In addition, the Examiner's attention is directed to the declarations and deposition transcripts submitted herewith as documents **AT3** to **AR6**, which are related to the ongoing Patent Interference No. 105, 077 ("the '077 interference"). The '077 interference involves U.S. Application No. 08/816,981, the parent of the captioned application and U.S. Patent No. 5,763,223. These documents are being submitted to fulfill our duty of disclosure under 37 C.F.R. § 1.56(b)(2). The full record of the '077 interference is being made public on March 25, 2005. Upon request, Applicant will provide copies of any other documents of record in the '077 interference to the Examiner.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached Form PTO-1449 based on information presently

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available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

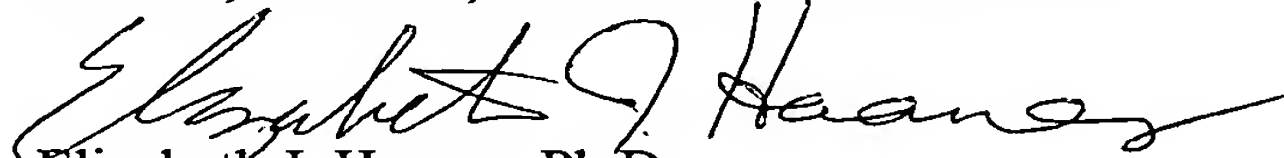
It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency,
or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Elizabeth J. Haanes, Ph.D.

Attorney for Applicant

Registration No. 42,613

Date: March 18, 2005

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FORM PTO-1449

**FIRST SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

ATTY. DOCKET NO.
1488.1890004/EJH/SAC

APPLICATION NO.
10/662,431

APPLICANT(S)
Steven M. Ruben

FILING DATE
September 16, 2003

ART UNIT
1644

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	2004/0052788	03/18/2004	Wiley <i>et al.</i>			09/02/2003
	AB1	6,740,739	05/25/2004	Ashkenazi <i>et al.</i>			06/26/2000
	AC1						
	AD1						
	AE1						
	AF1						
	AG1						
	AH1						
	AI1						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>1</u>	Krieg, A., <i>et al.</i> , "TRAIL- β and TRAIL- γ : two novel splice variants of the human TNF-related apoptosis-inducing ligand (TRAIL) without apoptotic potential," <i>Br. J. Cancer</i> 88:918-927, Nature Publishing Group (March 2003)
	AS	<u>1</u>	Mikayama, T., <i>et al.</i> , "Molecular cloning and functional expression of a cDNA encoding glycosylation-inhibiting factor," <i>Proc. Natl. Acad. Sci. USA</i> 90:10056-10060, National Academy of Sciences (1993)
	AT	<u>1</u>	Skolnick, J., and Fetrow, J.S., "From genes to protein structure and function: novel applications of computational approaches in the genomic era," <i>Trends Biotechnol.</i> 18:34-39, Elsevier (January 2000)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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	AN						Yes No
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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>2</u>	Trabzuni, D., <i>et al.</i> , "Functional analysis of tumour necrosis factor- α -related apoptosis-inducing ligand (TRAIL): cysteine-230 plays a critical role in the homotrimerization and biological activity of this novel tumoricidal cytokine," <i>Biochem. J.</i> 350:505-510, Portland Press (September 2000)
	AS	<u>2</u>	Wallace, R.B., and Miyada, C.G., "Oligonucleotide Probes for the Screening of Recombinant DNA Libraries," <i>Meth. Enzymol.</i> 152:432-439, Academic Press (1987)
	AT	<u>2</u>	U.S. Patent Application No. 09/912,292, Ruben, S.M., filed July 26, 2001, pages 1-75, 94 (pages 1 and 2 partially redacted), portion of Table 2, SEQ ID NO. 50232 (NOT PUBLISHED)

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	U.S. Patent Application No. 09/912,293, Ruben, S.M., filed July 26, 2001, pages 1-75, 94 (pages 1 and 2 partially redacted), portion of Table 2, SEQ ID NOS. 67931 and 115315 (NOT PUBLISHED)
	AS	<u>3</u>	U.S. Patent Application No. 08/816,981, Ruben, S.M., filed March 13, 1997 (NOT PUBLISHED)
	AT	<u>3</u>	Declaration of Carl F. Ware, submitted in Patent Interference No. 105,077, Ruben v. Wiley and Goodwin, 10 pages, signed November 8, 2004 (NOT PUBLISHED)

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	AL						Yes No
	AM						Yes No
	AN						Yes No
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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>4</u>	Deposition of Carl Ware, Ph.D., for Patent Interference No. 105,077, Ruben v. Wiley and Goodwin, 111 pages, taken December 9, 2004 (NOT PUBLISHED)
	AS	<u>4</u>	Declaration of Nigel Killeen, submitted in Patent Interference No. 105,077, Ruben v. Wiley and Goodwin, 8 pages, signed December 15, 2004 (NOT PUBLISHED)
	AT	<u>4</u>	Deposition of Nigel Patrick Killeen, for Patent Interference No. 105,077, Ruben v. Wiley and Goodwin, 15 pages, taken January 18, 2005 (NOT PUBLISHED)

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	Declaration of Mark L. Hayman, submitted in Patent Interference No. 105,077, Ruben v. Wiley and Goodwin, 5 pages, signed August 27, 2004 (NOT PUBLISHED)
	AS	<u>5</u>	Second Declaration of Mark L. Hayman, submitted in Patent Interference No. 105,077, Ruben v. Wiley and Goodwin, 7 pages, signed September 15, 2004 (NOT PUBLISHED)
	AT	<u>5</u>	Third Declaration of Mark L. Hayman, submitted in Patent Interference No. 105,077, Ruben v. Wiley and Goodwin, 8 pages, signed November 5, 2004 (NOT PUBLISHED)

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>6</u>	Deposition of Mark Hayman, for Patent Interference No. 105,077, Ruben v. Wiley, 116 pages, taken November 30, 2004 (NOT PUBLISHED)
	AS		
	AT		

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